

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

In Re:
William Ray Reed

Debtor

Case No. 10-13053
Chapter 13

DEBTOR'S OBJECTION TO PROOF OF CLAIM,
REQUEST FOR COMPENSATION,
TIME FOR RESPONSE, and
NOTICE OF HEARING

Debtor in the above-captioned bankruptcy proceeding herein objects, pursuant to 11 U.S.C. §502 and Fed.R.Bank.P. 3007, to the hereinafter set forth Proof of Claim.

- **Claim #:** Bank of America letter, Statement date 10/03/2011, provided to the Trustee, John T. Hardeman, and changing the ongoing monthly mortgage payment from \$582.98 per month to \$903.38 per month. (See Attached)
- **Filed by:** Bank of America
- **Date Filed:** N/A

In support of this objection, Debtor would show the Court that:

1. The Claim is not adequately supported with documentation.
2. Claimant previously increased Debtor's monthly mortgage payment effective April, 2011, from \$558.35 to \$582.98, and now, 7 months later, Claimant is again proposing to raise the monthly mortgage payment from \$582.98 to \$903.38.
3. The monthly mortgage payment is composed of Principal & Interest in the amount of \$415.61 as per the letter by the Creditor (attached); Annual insurance at the future (02/27/2012) amount of \$2,908.00, or \$242.33 per month for 12 months (see attached letter); and Property Taxes in the amount of \$613.96 annually, or \$51.16 per month for 12 months (see attached letter);.
4. The amount alleged in the proof of claim (\$903.38) is incorrect; the actual amount of the monthly mortgage payment should be \$709.09.
5. It appears that Creditor is attempting to collect pre-petition escrow shortage which is currently included in the arrearage claim being paid and cured by Debtor through his Chapter 13 Plan.
6. The Debtor does not owe the Creditor as alleged in the proof of claim.

WHEREFORE, Debtor prays that the Letter Proof of Claim be disallowed in the amount of \$903.38 per month and allowed in the amount of \$709.09 per month, or such other monthly amount as this Court may determine, that Debtor be allowed to recover his attorney fees and costs herein expended by Debtor's Attorney being awarded his attorney fees and costs incurred in the amount of \$500.00 and that Debtor's Attorney further be allowed to recover his attorney

fees and costs incurred in the amount of \$500.00 directly from Creditor for having to object to this proof of claim, and for such other relief as the court deems appropriate.

Respectfully submitted,

/s/ Kenneth C. McCoy
Kenneth C. McCoy, OBA #5926
8265 South Walker
Oklahoma City, OK 73139
(405) 631-0981
Attorney for Debtor 10-0020

NOTICE OF HEARING: You are hereby notified that a hearing on Debtors' Objection to Proof of Claim is set for hearing on the 14th day of **February, 2012**, at **8:30 a.m.** before the Honorable Judge Niles Jackson, Second Floor, United States Bankruptcy Courthouse, 215 Dean A. McGee Avenue, Oklahoma City, Oklahoma.

TIME FOR RESPONSE: Any response to the foregoing Objection to Proof of Claim must be served within twenty-eight (28) days after the date hereinafter shown for service of said Objection. If the foregoing Objection is not opposed within the above stated period, said Objection will be deemed confessed and an Order granting the requested relief will be submitted to the Court for its approval and entry, and the above scheduled hearing will be stricken.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 27, 2011 a true and correct copy of the Debtors' Objection to Proof of Claim was served as follows:

- Mailed with proper postage prepaid thereon to the following:

William Ray Reed
11001 S. Anderson Road
Oklahoma City, OK 73165

GE Money Bank
25 SE Second Avenue
Ingraham Building Suite 1120
Miami, FL 33131-1605

East Bay Funding, LLC
c/o Resurgent Capital Services
PO Box 288
GREENVILLE, SC 29603

Bank of America, NA
Attn: Customer Service
CA6-919-01-41
PO Box 5170
Simi Valley, CA 93062-5170

Countrywide Home Loans
Servicing, L.P.
TX2-982-03-03
7105 Corporate Drive
Plano, TX 75024-1319

Electronically transmitted to the following listed parties by the Court's CM/ECF electronic noticing system:

- John T. Hardeman 13trustee@chp13okc.com, trustee@chp13okc.com
- Kenneth Clay McCoy kmccoy_aba@yahoo.com
- U.S. Trustee Ustpreion20.oc.ecf@usdoj.gov

/s/ Kenneth C. McCoy
Kenneth C. McCoy, OBA #5926
8265 South Walker
Oklahoma City, OK 73139
405.631.0981
Attorney for Debtor 10-0020

CHAPTER 13 OFFICE

P.O. BOX 1948

OKLAHOMA CITY, OK 73101

November 2, 2011

WILLIAM RAY REED

11001 S ANDERSON ROAD

OKLAHOMA CITY, OK

73165

RE: CHAPTER 13, #10-13053 NLJ

DEAR MR/MRS/MS WILLIAM RAY REED :

PLEASE FIND A COPY OF THE NOTIFICATION WE RECEIVED FROM YOUR MORTGAGE COMPANY, BANK OF AMERICA INFORMING US THAT YOUR MONTHLY PAYMENT HAS CHANGED FROM \$ 582.98 TO \$ 903.38 . THIS CHANGE IS EFFECTIVE BEGINNING WITH NOVEMBER, 2011 AS PER THE ATTACHED NOTICE FROM YOUR MORTGAGE COMPANY.

SINCERELY,

John T. Hardeman
CHAPTER 13 TRUSTEE

CC: KENNETH C MCCOY
AMERICAN BANKRUPTCY ATTORNEYS
8265 SOUTH WALKER
OKLAHOMA CITY, OK 73139

#171/VH

Bank of America



Customer Service
PO Box 5170
Simi Valley, CA 93062-5170

Statement date 10/03/2011

Account Number 008504649

Property address
11001 South Anderson Rd.

10-13053

WILLIAM R & SHANNON M REED
11001 S Anderson Rd
Oklahoma City OK 73165-8609

FOR INFORMATION PURPOSES

FOR CUSTOMER SERVICE: 1.800.669.6607

IMPORTANT NOTICE

This informational notice is being sent to the following borrowers at address set forth above in reference to the Chapter 13 Bankruptcy filing:
WILLIAM R REED, SHANNON M REED

If you do not want us to send your monthly statements in the future, please contact us at 1.800.669.5224.

If You Are Currently a Debtor in a Bankruptcy:

This statement is being furnished for informational purposes only and should not be construed as an attempt to collect against you personally. While your obligation to Bank of America, N.A. may be discharged, by operation of law, Bank of America, N.A. has retained the ability to enforce its rights against the property securing this loan should there be a default.

If you are presently involved in a Chapter 11 or Chapter 13 proceeding, please be advised that you are required to obey all orders of the Court, including those confirming or modifying the terms of your repayment plan. You may disregard the payment information/coupon below to the extent it conflicts with any order or requirement of the Court.

This is not a statement of the amount necessary to pay off your loan.

HOME LOAN SUMMARY	Home loan overview as of 10/03/2011	Amount due on 11/01/2011 as of 10/03/2011
	Principal Balance \$49,900.10	Home loan payment due 11/01/2011 \$903.38
	Escrow balance -\$6,052.32	Partial payment balance 809.40
		(see next page for account details)

Old 582.98
new 903.38 #1 11/2/11
↑ 320.40 off 11/11

Calls may be monitored or recorded to ensure quality service. We may charge you a fee (of up to \$40.00) for any payment returned or rejected by your financial institution, subject to applicable law.

Account number 008504649 (8)
William R & Shannon M Reed
11001 South Anderson Rd.
Oklahoma City, OK 73165

SEE OTHER SIDE FOR IMPORTANT INFORMATION

7063

Bank of America, N.A.
PO BOX 650070
DALLAS, TX 75265-0070



008504649800000090338000092416

586990058008504649

PAYMENT INSTRUCTIONS

- Please
 - don't send cash
 - don't staple the check to the payment coupon
 - don't include correspondence
 - include coupon with payment
- Write the account number on the check or money order.
- Make the check payable to
Bank of America, N.A.
Attn: Remittance Processing
PO Box 650070
Dallas, TX 75265-0070

11/01/2011

\$903.38

Please update e-mail information on the reverse side of this coupon.

Additional
PrincipalAdditional
Escrow

Check total

OR INFORMATION PURPOSES

HOME LOAN DETAILS	Monthly payment breakdown as of 10/03/2011		Loan type and term	
	Principal and/or interest payment	\$415.61	Loan type	30 Yr Conventional
	Escrow payment amount	487.77	Contractual remaining term	19 Years, 3 Months
	Total monthly home loan payment	\$903.38	Interest rate	7.500%

Escrow account expenses

We are responsible for the payment of the following escrow items with the exception of the items marked with an asterisk (*).

The payment of the items marked with an asterisk (*) is the responsibility of the homeowner.

Description	Payee	Policy number/Tax ID	Frequency	Next due date	Amount due
County taxes	Cleveland County Treasurer	73228	Annual	12/01/2011	613.96
Homeowners insurance	Allstate Insurance Co	031243524	Annual	02/27/2012	2,908.00

Home loan activity since your last statement

Date	Description	Principal	Interest	Escrow	Other Unapplied	Total
09/29/2011	April payment	\$103.09	312.52	142.74		558.35
09/29/2011	Misc posting				84.67	84.67
	**Ending balance	\$49,900.10		-\$6,052.32		

****NOTE:** The ending balance is probably not the same as the amount to payoff your loan. For payoff information, you may use our 24-hour automated information system at 1.800.669.5833.

For a detailed listing of home loan activity, please see **Payments, Advances, and Fee Summary**.

**TO
CONTACT
US**

We may report information about your account to credit bureaus. Late payments, missed payments or other defaults on your account may be reflected in your credit report.

For up-to-the-minute information about the account, use our 24-hour automated information system. To ask us about this statement or account information, call 1.800.669.5833, Monday-Friday 7 a.m. - 7 p.m. Local Time. Calls may be monitored and/or recorded for service quality purposes. *Se habla español.* 1.800.295.0025. TDD 1.800.300.6407

Please have the account number available when you call.

Or write to us at:

The address for general inquiries and all RESPA Qualified Written Requests is:
Bank of America, N.A., Attn:

Customer Service CA6-919-01-41, P.O. Box 5170, Simi Valley, CA 93062-5170

CREDIT REPORTING NOTICE

Tax Dept CA6-913-LB-01, P.O. Box 10211, Van Nuys, CA 91410-0211

Insurance Dept, P.O. Box 961291, Fort Worth, TX 76161-0291

Payments, Attn: Remittance Processing P.O. Box 650070, Dallas, TX 75265-0070

*Overnight deliveries Retail Payment Services, TX1-160-06-01, Dallas InfoMart,

STE 6020, 1950 N Stemmons FWY, Dallas, TX 75207-3134

Our website www.bankofamerica.com

Your account information is available in Spanish on the site mentioned above.

*The facility at this address does not accept walk-up payments, it accepts overnight mail only. Payments can be made by Phone, Online, Mail, or at Bank of America Banking Centers.



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Account Number **008504649**

E-mail use: Providing your e-mail address(es) below will allow us to send you information on your account

William R & Shannon M Reed

E-mail address

E-mail address

How we post your payment: All accepted payments of principal and interest will be applied to the longest outstanding installment due, unless otherwise expressly prohibited or limited by law. If you submit an amount in addition to your scheduled monthly amount, we will apply your payments as follows: (i) to outstanding monthly payments of principal and interest, (ii) escrow deficiencies, (iii) late charges and other amounts you owe in connection with your loan and (iv) to reduce the outstanding principal balance of your loan. Please specify if you want an additional amount applied to future payments, rather than principal reduction.

Postdated checks will be processed on the date received unless a loan counselor agrees to honor the date written on the check as a condition of a repayment plan. Payments by phone received by 6:00 PM Pacific Time on a business day will be effective the same day. Payments by phone received after 6:00 PM Pacific Time or on a nonbusiness day/holiday will be applied to your account no later than the next business day.

For all full month payment periods, interest is calculated on a monthly basis. Accordingly, interest for all full months, including February, is calculated as 30/360 of annual interest, irrespective of the actual number of days in the month. For partial months, interest is calculated daily on the basis of a 365 day year.

Bank of America

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Home Loans

FOR INFORMATION PURPOSES**PAYMENTS, ADVANCES, and FEE SUMMARY**

Account Activity for reporting period 09/02/2011 through 10/03/2011

**FUNDS RECEIVED
DETAILS**

Date	Description	Amount
09/29/2011	REGULAR PAYMENT	\$558.35
09/29/2011	MISC. POSTING	\$84.67

**FEE
ACTIVITY**

Date	Description	Debit	Credit
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There was no activity on your account for the period covered in this statement.

Total Fees For This Period	\$0.00
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**OUTSTANDING FEE
SUMMARY**

Outstanding Fee balances as of 10/03/2011

Description	Balance
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There was no activity on your account for the period covered in this statement.

Total Outstanding Fees Unpaid	\$0.00
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